

Message Text

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ORIGIN IO-10

INFO OCT-01 AF-06 ARA-06 ISO-00 OES-03 FEA-01 AID-05

CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-01

INR-07 L-02 NSF-01 NSC-05 NSAE-00 PM-03 SS-15 SP-02

SSO-00 NSCE-00 USIE-00 INRE-00 PA-01 PRS-01 /079 R

DRAFTED BY IO/SCT:LNC AVANAUGH/L:RDALTON

APPROVED BY IO - DR. MOREY

OES/EN - MR. LONG

ARA/APU - RFELDER

ARA/BR:JSLATTERY

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O R 222146Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI IMMEDIATE

INFO USMISSION GENEVA

AMEMBASSY BUENOS AIRES

AMEMBASSY BRASILIA

USMISSION USUN NEW YORK

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E.O. 11652: GDS

TAGS: SENV, UNEP, BR, AR

SUBJECT: UNEP GC/III, ITEM 13, SHARED NATURAL RESOURCES

REF: (A) NAIROBI 3185; (B) NAIROBI 3190; (C) NAIROBI 3191

1. DEPT COMMENDS USDEL'S EFFORTS MAINTAIN LOW PROFILE THIS
ISSUE. USDEL REQUESTED CONTINUE URGING TWO SIDES TO REACH
MUTUALLY AGREEABLE FORMULATION.

2. DEPT APPRECIATES USDEL'S APPRAISAL OF ARGENTINE POSI-
TION THAT INITIATIVE SHOULD REMAIN IN UNEP, WHICH POSI-
TION IS REPORTED LIKELY TO BE SUPPORTED BY "SUBSTANTIAL
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MAJORITY" (REFTEL (A) PARA 3). IN VIEW OF LIKELIHOOD THIS

POSITION WILL PREVAIL WITHOUT US TAKING SIDES AND OF
POLITICAL COSTS TAKING SIDES IN DISPUTE WOULD ENTAIL,
USDEL IS DIRECTED REMAIN NEUTRAL THIS ISSUE, ABSTAINING
ON BOTH ARGENTINE AND BRAZILIAN RESOLUTIONS, UNLESS BOTH
COUNTRIES AGREE ON A COMPROMISE RESOLUTION WHICH USDEL CAN
SUPPORT.

3. FYI. DEPT DOUBTS SUITABILITY THIS SUBJECT MATTER FOR
CONSIDERATION BY INTERNATIONAL LAW COMMISSION (ILC). ILC
IS ENGAGED IN LONG-TERM WORK OF CODIFYING AND DEVELOPING
PUBLIC INTERNATIONAL LAW. COMPLETION OF WORK ON TOPICS
PRESENTLY ON AGENDA WILL TAKE AT LEAST NEXT DECADE. TO

ADD NEW TOPIC WOULD OVERBURDEN COMMISSION AND DELAY
COMPLETION OF WORK ON TOPICS SUCH AS STATE RESPONSIBILITY
FOR WHICH GENERAL ASSEMBLY HAS URGED PRIORITY ATTENTION.
ALTHOUGH UNDER ILC STATUTE, COMMISSION COULD UNDERTAKE
WORK ON PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW
RELATING TO SHARED NATURAL RESOURCES IF SO REQUESTED BY
GENERAL ASSEMBLY, HISTORY SHOWS THAT ILC FUNCTIONS BEST

WHEN DEALING WITH PROBLEMS IN WHICH PRIMARY ELEMENTS ARE
LEGAL RATHER THAN ECONOMIC OR POLITICAL. BALANCE HERE IS
HEAVILY ON LATTER SIDE. END FYI.

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05 JUL 2006

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